

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

BOBBY R. KNOX, JR.,)	
)	
Plaintiff,)	
)	
v.)	1:14CV462
)	
ARTHUR DAVIS, et al.,)	
)	
Defendant(s).)	

ORDER AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Plaintiff, a prisoner of the State of North Carolina, submitted a civil rights action pursuant to 42 U.S.C. § 1983. The form of the Complaint is such that serious flaws make it impossible to further process the Complaint. The problems are:

1. The filing fee was not received nor was a proper affidavit to proceed *in forma pauperis* submitted, with sufficient information completed or signed by Plaintiff, to permit review.
2. Plaintiff complains about a lack of medical treatment. Beyond that, however, his claims are difficult to understand.

Consequently, the Complaint should be dismissed, but without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects of the present Complaint. To the extent Plaintiff chooses to file a new Complaint, the Court also notes that it appears that the potential defendants are located in the Western District of North Carolina, where Plaintiff is housed, and also in the Eastern District of North Carolina. The events challenged in the Complaint are all alleged to have occurred those districts as well. Therefore, it appears that venue would be proper in one of those Districts, and Plaintiff may obtain forms

and instructions from the Clerk's Offices for filing in those Districts. See 28 U.S.C. § 1391(b). The addresses are: Eastern District--310 New Bern Avenue, Room 574, Raleigh, NC 27601; Western District--Room 210, Charles R. Jonas Federal Building, 401 West Trade Street, Charlotte, NC 28202.¹

In forma pauperis status is granted for the sole purpose of entering this Order and Recommendation.

IT IS THEREFORE ORDERED that *in forma pauperis* status is granted for the sole purpose of entering this Order and Recommendation.

IT IS RECOMMENDED that this action be filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects cited above and is filed in a proper district.

This, the 6th day of June, 2014.


Joe L. Webster
United States Magistrate Judge

¹ If Plaintiff chooses to re-file his complaint here in this District, he should correct all of the matters noted above and should also include a statement addressing the proper venue in this case, for the Court's consideration in determining whether this case must be transferred to a proper district pursuant to 28 U.S.C. § 1406.